Revenue (1948) Department

M SERIES.

G.O. No. 2285

Dated 23.7.48

[Despatch Abstract.]

Public Servants- (Bellary)- Mr. M.A.R. Pashaw sahib- Fixation of seniority in the list of Tahsildars and Inclusion in the list of Dy. Collectors- Petition Rejected- Period of probation extended.

To

The Secretary to Government,
Revenue Department,
Fort St. George, MADRAS.

Through

Proper Channel,

Respected Sir,

The humble petitioner, Subedar M.A.R. Pashaw, Deputy Tahsildar, Bellary District, begs leave to submit his grievances as below, for gracious reconsideration of his case and prays for justice.

He is a permanent Revenue Subordinate of Bellary District, who, on a call from the Government in 1939, volunteered for service in the Indian Army. He was released for Active Servic in G.O. Ms. 359 Revenue Department, dated 9th February 1942. He served in India, Assam and Burma for five years. Three months later while on Active Service, his name was included in the list of Deputy Tahsildars for 1942, and on 8-5-1942 his next junior was appointed as Stationary Sub Magistrate. His absence on Military Duty was responsible in his case bein lost sight of by the authorities and as a result, his juniors were promoted to act as Tahsildar without any action to safeguard the PROBATION, SENIORITY and PAY of the petitioner.

(ii) The petitioner's representation to the Board of Revenue to relax the operation of Rule 8 (b) of Madras Revenue Subordinate Service Rules, in consideration of his Active Service was negatived in B.P. Routine 3411 Confidential dated 1-8-1945, Whereas in an identiacal case it has been relaxed in G.O. No. 1556 Revenue Department dated 26-8-1945. The petitioner was thus denied justice by the Board. Evidently his case was not considered in all its aspects.

(iii) On release from the Army, the petitioner was appointed as Stationary SubMagistrate, and the Collector Bellary issued orders declaring completion of his probation, on 23-12-1946. BUT FOR HIS ABSENCE ON MILITARY DUTY the petitioner would have completed his probation as a Deputy Tahsildar on 8-5-1944, satisfying Rule 8 (b) of Madras Revenue Subordinate Service Rules and would have been working as Tahsildar in his due turn, above the five of his juniors who stole a march over him while he was on Active Service. Having gone to the Army, he could not satisfy the provisions of the above rule and is now being denied of his rightful place.

(iv) The petitioner begs to submit that the declaratic by the Collector that he completed his probation as Deputy Tahsildar on 23-12-46 is evidently not correct. In the printed list of establishment of Revenue Department for 1945, it is noted that the petitioner completed his probation as the Deputy Tahsildar on 1-4-1945 and this could not possibly be a mistake. The correct and proper date for declaration of completion of his probation ought to be 8-5-1944 (two years after first appointment). An order should have been issued by the Collector declaring the completio of the petitioner's probation with effect from 8-5-1944, subject to satisfying the provisions of rule 8 (b) of Madras Revenue Subordinate Service Rules on reversion to Civil Employ OR action should have been taken to get an exemption from the operation of the rules by addressing the Government in the matter. None of the two courses was adopted, with the result that the humble petitione is denied his rights- not to speak of preferment for his services in the Army where he was discharged his duties to the entire satisfaction of his superiors. In this connection it may not be out of place of quote an endorsement on my petition dated 20-3-1945 by the Military Authorities. "An Appeal by I.O. 30419 Jem (SD) M.A.R. Pashaw, 119 Ind. Sup Coy SEAC, against a decision of the Secretary, Board of Revenue, Madras, is forwarded herewith.

If a s it appears it is a fact that Jem.Pashaw is likely to forfeit seniority in Civil Service by reason of his service in the Army, I shall be glad to support his appeals. Jem Pashaw's conduct during his Military Service has been exemplary. He has been a zealour and efficient Quarter Master. He has considerable administrative ability and is well fitted to take over a position of responsibility on his return to Civil life."

Sd/ W.J. Low,
Lieut. Colonel,
C.R.I.A.S.C. 451 Sup Area SEa

(v) The petitioner believes that the Collector has fixed 25-12-1946 as the date of completion of his probation in view of the G.O. 2297 Public (Services) Department dated 29-10-1946. This is obviously wrong. This G.O. has to be followed only in two cases Viz:

(i) In cases where the Military Authorities have not furnished reports on the work of the candidates deputed for Military duty or whose service were characterised in their discharge certificates as indifferent or bad.

(ii) Individual cases not already disposed of before the issue of the G.O.

As for (i) the Collector has been furnished with a report from the Military Authorities regarding his work besides the endorsement quoted above. He has been characterised as "EXEMPLARY" in his discharge certificate.

As regards (ii) his case had already been disposed of by inclusion of his name in the printed list of establishment for 1945 under the Deputy Tahsildar who completed their probation on 1st April 1945.

3. This is how, the petitioner is being deprived of his PROBATION, SENIORITY and PAY when he was risking his life somewhere in the fighting zone, while his juniors have been made his seniors FOR NO FAULT OF HIS. Had prompt action been taken to declare completion of his probation in time and for inclusion of his name in the list of Tahsildars in 1944, the petitioner would have been entitled as a matter of course for inclusion in the list of Deputy Collectors in 1945 in view of his good record of work. On this ground a representation was submitted on 22-2-1946 for direct appointment on the footing of a Probationary Deputy Collector. The Government in G.O. Ms. 1016 Condl. Revenue Department, dated 29-4-1947 negatived it and referred to the Board of Revenue for orders on other items. The Board in turn in its B.P. Mis 614 Confdl. dated 15-5-1947 referred for orders to the Collector of Bellary. The Collector passed proceedings as below, in his D.Dis 1931/46 Confdl. dated 2.7.1947:-

"M.A.R. Pashaw Saheb T.S.O. Alur is informed that rule 8 (b) of the M.R.S.S. Rules had not been relaxed in hs favour and that he will be deemed to have completed his probation as Dy. Tahsildar only on 23-12-1946. His request for direct appointment as probationary Deputy Collector has been negatived by Government; but his name has been included in the list of Tahsildars for 1947 and he will be given his chance as Tahsildar when his turn comes".

Active Service, which should have been rewarded and secured preferment, has on the other hand deprived the petitioner of his just rights of (I) completion of probation in the categories of Deputy Tahsildar and Tahsildars in due time;
(II) inclusion of his name in the list of Deputy Collectors in 1945.

These rights were assured to Army personnel latest in B.P. 1064 dated 2.2.46 and it would be a grave injustice if by the above orders one is deprived of his legitimate rights. RIGHTS DENIED IS JUSTICE DENIED.

(ii) The Confidential G.O. and B.P. quoted above were communicated only in part and so it has not been possible to know the reason for negativing his request, for appointment as Probationary Deputy Collector. No orders have so far been received from the Collector on a request dated 26-7 1947 for permission to peruse the records either in the presence of the Collector of the Huzur Sheristadar.

(iii) The orders of the Collector have placed the petitioner on an equal footing with those who were included in the list of Deputy Tahsildars as late as in 1946 while he was included in the list 4 years earlier.

4. As none should be made to suffer FOR NO FAULT OF HIS and for having served in the defence of his country, the petitioner prays for redress of his grievances by directing to:--

(1) declare the completion of his probation with effect from 8-5-1944, relaxing with restrospective effect the operation of Rule 8 (b) of Madras Revenue Subordinate Service Rules- which the petitioner has already satisfied on reversion to Civil Employ;

(2) include his name in the list of Tahsildars in his due place, i.e., just below Sri G. Naryana Chetty and post him as Tahsildar forthwith reverting one of his five juniors who are now acting as Tahsildars;

(3) include his name in the list of Deputy Collectors for 1945 and give him a posting in his due turn.

(4) fix his pay at a scale his next junior was drawing with restrospective effect from 11-3-1946 the date he rejoined Civil Employ.

Otherwise the prospects of the humble petitioner in the department would be very gloomy. He is running 44 years of age and this may if matters are delayed, prevent his inclusion in the list of Deputy Collectors.

For this act of justice the petitioner would ever remain grateful.

I beg to remain,
Respected Sir,
Your most obedient servant,

Alur,
18-9-1947.

Copy submitted direct to save delay.
Copy submitted to the Hon'ble Revenue Minister for favour of information and kind action.
Copy submitted to the Secretary to the Board of Revenue, Madras.

True Copy.

GOV ERNMENT OF MADRAS.
Abstract.

Public Servants- (Bellary) - Mr. M.A.R. Pasha Sahib - Fixation of seniority in the list of Tahsildars and inclusion in the list of Deputy Collectors- Peitition rejected- Period of probation extended.-

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Revenue Department.

G.O. Ms. No. 2285. Dated 23-9-1948.

Read:

From M.A.R. Pasha Sahib petition d/18-9-47
From the Bd. of Rev. Ref. D.9173/47-1 d/11-12-47
To the Bd. of Rev. Memo No. 6692 G/47-1 Rev. dated 19-2-48.
From the Bd. of Rev. D. No. 9173/47-4(C) d/4-8-48.

ORDER:

The Government are not prepared to interfere on behalf of the petitioner. The petition is rejected.

2. The petitioner M.A.R. Pasha Sahib would have completed his probation in the category of Deputy Tahsildars on 7_5-44 if he had not joined military duty in 1941. On release from military service, he joined duty as S.D.M. Alur, Bellary district on 11-3-46 and was declared to have satisfactily completed his probation as Deputy Tahsildar on 23_12-46. His period of probation has to be extended from 8-5-44 to 23-12-46. In exercise of the powers conferred by section 241 (5) of the Government of India Act, 1935, H.E. the Governor accordingly directs that the period of probation of M.A.R. Pashaw Sahib in the category of Deputy Tahsildars in Bellary district be extended from 8-5-44 to 23-12-46.

3. With reference to para 4 of the Collector's letter dated 20-7-48 submitted with the Board's reference dated 4_8-48 read above, the Board of Revenue is requested to invite the attention of the Collector of Bellary to the instructions issued in Govt. memo No. 3993/47-1 Public (Ser) dated 22-12-47.

(By Order of His Excellency the Governor)

Sd.
Secretary to Government.

To the Petitioner thro' Board of Revenue. (para 1 only)
To the Board of Revenue (full)

True Copy.

S. Jayachandra 8/12
Office Assistant,
Madras Record Office.

M/-1612.